

IN RE: KENTUCKY RIVER AUTHORITY
WATER QUALITY SUBCOMMITTEE

MEETING NO. 17

January 14, 2009
1:00 p.m.
Kentucky River Authority
70 Wilkinson Boulevard
Frankfort, Kentucky

APPEARANCES

Mr. Bob Ware
CHAIRMAN

Mr. R.C. Day
Dr. Don Haney
Mr. Rex Morgan
Mr. Randall Christopher
Mr. Tim Hazelette
MEMBERS OF THE KENTUCKY
RIVER AUTHORITY

Also Present:

Mr. Steve Reeder
Ms. Sue Ann Elliston
Mr. David Hamilton
KRA STAFF

Dr. Lindell Ormsbee
UNIVERSITY OF KENTUCKY

Mr. Jack Stickney

CAPITAL CITY COURT REPORTING

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AGENDA

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Consideration of Watershed Management Proposal

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MOTION TO APPROVE FUNDING FOR 2009

WATERSHED MANAGEMENT GRANTS AS FOLLOWS:

FRIENDS OF WOLF RUN - \$1,000

MONTESSORI MIDDLE SCHOOL OF KENTUCKY - \$1,000

McCONNELL'S TRACE NEIGHBORHOOD ASSOC. - \$1,000

LETCHER COUNTY HIGH SCHOOL - \$2,000

DIX RIVER WATERSHED COUNCIL - \$2,000

INTERNATIONAL TRAINING & DEVELOPMENT CENTER - \$3,000

BREATHITT COUNTY COOPERATIVE EXTENSION - \$3,000

PROVIDENCE MONTESSORI SCHOOL - \$2,000.....PAGE 31, LINE 14

MR. CHRISTOPHER: So, it will be \$1,000 for Friends of Wolf Run, \$1,000 for the Montessori School, \$1,000 for McConnell's Trace, \$2,000 for Letcher County, \$2,000 for Dix River, \$3,000 for the International Training and Development Center and Breathitt County, and then \$2,000 for Providence.

DR. HANEY: On that McConnell's Springs, new applicant working on public education for greenway preservation in Lexington. Is that at McConnell's Springs?

DR. ORMSBEE: They're actually making a path, a pedestrian walkway and bike path for McConnell's Springs. It's eventually supposed to go all the way out to the Horse Park. And that has been broken up into different sections.

CHAIRMAN WARE: Unless there's any need for further discussion of this, does somebody want to make a motion with regard to--Randall, you did an enumeration. Do you just want to make a motion that we propose funding of those eight projects as described?

MR. CHRISTOPHER: I'll make that motion.

MR. MORGAN: I'll second it.

MR. DAY: I have a question. If I add those up right, I get \$16,000 and I thought we only had \$15,000. I must have overlooked one. One, one, one, two, two, three, zero, three, three.

MR. MORGAN: Two. The last one was two.

MR. DAY: I'm sorry. Thank you.

CHAIRMAN WARE: Any other discussion, questions? If not, I'll call for a vote. All those in favor, let it be known by saying aye.

All opposed by a like sign. We will take that motion to the full board at the next meeting.

MOTION TO AUTHORIZE KENTUCKY WATER RESOURCES RESEARCH INSTITUTE TO USE FUNDS (NOT TO EXCEED \$23,000) PROVIDED TO THEM AS PART OF KRA'S '08-09 CONTRACT AND ANTICIPATED '09-10 CONTRACT AS PART OF REQUIRED MATCH FOR "TEN-YEAR ASSESSMENT OF THE KENTUCKY RIVER WATERSHED WATCH PROGRAM" PROJECTPAGE 34, LINE 5

DR. ORMSBEE: And, so, since you all spend \$20,000 a year on volunteer sampling that pays for the analysis, not the volunteers are being paid, what I was wanting to ask is if you might be able to authorize us to count those funds as part of a match to this other program.

So, it's not asking you for any money. It's just authorization to say that we authorize the use of the funds here as part of your match. (Further discussion, followed by the following motion)

CHAIRMAN WARE: So, we'll just do a motion to approve.

MR. REEDER: The draft letter is in here.

MR. MORGAN: So moved.

MR. CHRISTOPHER: Second.

CHAIRMAN WARE: We've got a motion and a second. All in favor, let it be known by saying aye. Any opposition? Motion carries.

MOTION TO ADJOURNPAGE 54, LINE 11

CHAIRMAN WARE: If not, I will entertain a motion to adjourn.

MR. DAY: You've got it.

DR. HANEY: Second.

CHAIRMAN WARE: The meeting is adjourned.

1 CHAIRMAN WARE: I will call this
2 meeting of the Water Quality Subcommittee to order. Sue Ann,
3 why don't you take a quick roll.

4 (ROLL CALL)

5 MS. ELLISTON: We do have a quorum.

6 CHAIRMAN WARE: The main order of
7 business today was to consider the watershed grant
8 applications that we've received for the coming fiscal year.
9 And you all should have received copies either via email or
10 hard copies -- I don't know which -- but hopefully you've had
11 a chance to look at the nine applications that we received.

12 We have a couple of other items that
13 we're going to have to address later on that aren't on the
14 agenda but we'll wait. Did Valerie Hudson commit to come at
15 some point in time?

16 MR. REEDER: She will be here.

17 CHAIRMAN WARE: We'll just do that at
18 the point in time when she gets here then.

19 So, I think the first order of business
20 will be to look at these nine grant applications and decide
21 what we want to approve. And, once again, I assume, Steve,
22 that we're working within the constraints of a \$15,000 budget
23 limitation for this category.

24 MR. REEDER: Yes.

1 CHAIRMAN WARE: We'll let Dr. Ormsbee
2 if he wants to provide us with a summary of these; or if
3 you've all had a chance to read them, if there's anything you
4 want to add to what we've received via the applications,
5 Lindell.

6 In the past, we've let you and Malissa
7 look at them and decide what you think makes the most sense
8 as far as approval of these.

9 In looking at these a couple of nights
10 ago, I was trying to compare what we've done with similar
11 applicants in the past. Some of these do appear to be
12 duplications at least to the applicant, maybe not the
13 watershed, but at least the applicants are similar in some
14 cases. So, we will want to take that into consideration.

15 DR. ORMSBEE: Thanks, Bob. I think
16 everybody hopefully got a copy of the detailed applications.

17 Malissa was going to be here with us
18 today, but she had a sick young one today. So, I'm pitch-
19 hitting for her relative to the presentation. There's also a
20 little PowerPoint presentation we put together to kind of
21 summarize the projects.

22 I'm not going to go through all this in
23 great detail. The second page we had a box -- Consideration
24 for Grant Awards. And in the past, these are some of the

1 criteria that we've tried to use in selecting projects when
2 we have an excess of projects as opposed to money.

3 Historically, we've tried to maintain
4 somewhat of a geographic distribution so that like all the
5 projects aren't in Fayette County, as an example, or
6 something like that. We've tried to kind of focus on
7 projects that impact the greatest number of stakeholders,
8 whether it be citizens or students.

9 And generally we try to find projects
10 that are new, assuming they have a good quality as opposed to
11 re-funding someone that's been here several times.

12 And then finally we tried to put a
13 little more priority on those projects that are in the
14 Division of Water priority basins, and there are basically
15 six of those, as you can see there.

16 CHAIRMAN WARE: In conjunction with
17 that, Lindell, Sue Ann also sent you all an item to talk
18 about, our selection criteria that you may have seen. It had
19 four items, and one of those items, it said priority given to
20 watersheds listed on 319. I think that's probably the 303(d)
21 List which is an outcome of the 305(b) priority watershed
22 rather than 319. Three nineteen is kind of generic, a
23 nonpoint source.

24 DR. ORMSBEE: It actually may be the

1 same. I think 319 used those same watersheds to kind of
2 guide their priorities, too.

3 CHAIRMAN WARE: Oh, really? So, they
4 use a 303(d) type?

5 DR. ORMSBEE: Yeah, well, out of the
6 303(d) process, I think the Division of Water has identified
7 their priority watersheds and that obviously drives a large
8 part of that. And I think the 319 section the last couple of
9 years has been using those priority watersheds to kind of
10 also prioritize the distribution of their funds. So, they
11 may be both the same relative to the actual watersheds.

12 CHAIRMAN WARE: And for those of you
13 all that are new to the Authority -- Tim, this might affect
14 you -- these are sections of the Clean Water Act and
15 mechanisms to prioritize impacted watersheds within the
16 state. So, that's basically what that refers to.

17 MS. ELLISTON: Do you want me to leave
18 that as the 319?

19 CHAIRMAN WARE: I would put 319/303(d)
20 just in case.

21 DR. HANEY: All of these pertain to the
22 Clean Water Act?

23 DR. ORMSBEE: Well, that's one of the
24 criteria we have used to try to kind of prioritize projects,

1 those that are in a watershed that has been identified by the
2 Division of Water as a high priority watershed.

3 In this summary sheet which you've got,
4 I actually added a funding decision column. This was
5 Malissa's and I's first cut at one possible solution to
6 produce funding for as many of the projects as we thought we
7 could without basically rendering the project unable to meet
8 its objective or all the objectives just to get a potential
9 target of \$15,000.

10 So, again, we provide that mainly just
11 as a starting point, but obviously this is totally at the
12 Committee's discretion of how they want to spend the funds.
13 We're here to implement whatever their desires and wishes
14 are. Yes, sir.

15 MR. MORGAN: I know that we've relied
16 heavily on your decisions in the past because obviously you
17 are the expert in this area.

18 So, I definitely am willing to accept
19 what you put here, but a couple of questions I just had.

20 DR. ORMSBEE: Sure.

21 MR. MORGAN: I was looking at the
22 proposal descriptions, and I notice with the Kentucky
23 Riverkeeper's grant application, pretty much I've just seen
24 that the description was just survey type stuff. It didn't

1 seem like there was really any project, any hands-on type of
2 stuff or whatever.

3 And I can see why maybe you all had cut
4 that, but what about the Letcher County High School, why
5 would you propose cutting that one?

6 DR. ORMSBEE: That's a great question.
7 Letcher County High School actually received funding last
8 year for \$3,000 and then Letcher County received another
9 project the year before that. So, that decision was solely
10 based on the fact that they had received funding the last two
11 years.

12 It didn't necessarily reflect any
13 deficiencies in their activities. We were just trying to say
14 you guys have been here twice. We're trying to use some of
15 these funds to spread around and we'll basically encourage
16 them to come back next year.

17 Normally, we try to have a gap year
18 with the fundee if they've had one year or two years of
19 funding.

20 MR. MORGAN: For the Montessori Middle
21 School, they've had funding the last couple of years, but
22 their request was only \$1,000.

23 DR. ORMSBEE: Was only \$1,000. If they
24 had come back with a \$3,000 request, we would have done the

1 same thing. Normally, we wouldn't fund them again, but since
2 they're only asking for \$1,000 and they've had a good
3 activity and Malissa has been real happy with what they are
4 doing.

5 MR. MORGAN: Do you know if Letcher
6 County High School, are there other receipts that they
7 receive from other sources?

8 DR. ORMSBEE: The project that they are
9 proposing is actually working with some Vista volunteers.
10 So, we know there's already funds going in to Letcher County
11 to help support some of that activity.

12 And I think even this last year with
13 our Kentucky River Watershed Watch group, we took a little
14 bit of those funds and actually paid for a small sampling of
15 hydrocarbon data there.

16 MR. MORGAN: So, they will be able to
17 continue with their project without our funding?

18 DR. ORMSBEE: I think so, yes. I
19 believe so. So, again, we actually helped them a little bit
20 this year with a little bit of money. We would probably do
21 that again the next year with some of their sampling.
22 They've already got Vista people in there working with them.

23 And since we had already funded them
24 last year at the full amount, we thought, well, let's try to

1 balance it out a little bit.

2 And, again, a lot of this is somewhat
3 subjective. We didn't come up with some miracle ranking, per
4 se. It's just kind of, based on those four criteria, looking
5 at them, we kind of synthesized that out.

6 We could flip flop on several of those.
7 Malissa and I discussed in some cases actually dropping a few
8 more; but what we chose to do there was take the \$3,000 and
9 split it and either--take \$6,000 and split it into three
10 \$2,000 and get an extra project or try to do something like
11 that. Of course, the Montessori Middle School only asked for
12 \$1,000, but the others, that's kind of what we tried to do.

13 And, again, I discussed this at length
14 with Malissa based on her interaction with each of these
15 groups relative to did she think that if we cut a specific
16 project to \$1,000, they would still be able to accomplish
17 something.

18 MR. MORGAN: And she was good with
19 that?

20 DR. ORMSBEE: Yes. She was good with
21 that.

22 CHAIRMAN WARE: I would think that the
23 rationale for those first two also, you know, what they're
24 looking for with the Friends of Wolf Run were three \$1,000

1 demo projects.

2 DR. ORMSBEE: Yes. So, they can do
3 two.

4 CHAIRMAN WARE: And the Montessori
5 Middle School and that Stone Creek basin is pretty close to
6 that same locality and it's probably a subset of--it's a
7 similar huck, isn't it?

8 DR. ORMSBEE: It is the same huck, for
9 sure.

10 CHAIRMAN WARE: So, you could almost
11 just throw the Stone Creek in as one of the three demo
12 projects, couldn't you?

13 DR. ORMSBEE: So, that gets you \$3,000.
14 Yes. So, that basically breaks out the same way.

15 DR. HANEY: I've been out of the loop
16 for a few years. What is this organization, Friends of Wolf
17 Run?

18 DR. ORMSBEE: Great question. In the
19 last couple of years, the Division of Water is trying to
20 implement this Watershed Management Program, and one of the
21 ways they've been trying to do that is they identify priority
22 watersheds and then try to get stakeholder groups going in
23 those watersheds to try to help take some ownership to some
24 of the problems.

1 And, so, we've actually worked with a
2 lot of these groups as well to kind of get them up and
3 running. Friends of Wolf Run basically is just a citizens
4 group, people who actually live in the neighborhood. And I
5 think Ken Cooke is involved with that group trying to help
6 give them some technical support.

7 I know, for example, they did some
8 sampling for fecal coliforms or pathogens like e.coli in the
9 basin and found some really high values in several of the
10 sections of the stream, took that, for example, to the
11 Fayette County Council, presented those results and were able
12 to get some people starting to look at where are those
13 problems coming from.

14 I think in many cases, this has been
15 borne out also from the work that Lexington is doing relative
16 to a consent decree is they have some sewers that are
17 surcharging during storm events and you're getting manholes
18 popping and sewage is dumping into the creek.

19 So, this group here has tried to kind
20 of zero in on a particular neighborhood and tried to actually
21 locate specifically the sources of the pollution and then
22 trying to provide that information.

23 MR. MORGAN: So, EPA is not doing that?

24 DR. ORMSBEE: EPA is requiring the city

1 to do some additional sampling, but this activity basically
2 was constituted a couple of years ago before the consent
3 decree came out. So, that's one of the things they have been
4 doing.

5 The other thing has been trying to
6 implement some BMP's in the watershed. I think this actual
7 project is looking to try to address soil erosion from some
8 of the stream banks. So, they're looking at how they can try
9 to preserve the natural stream for the neighborhood.

10 DR. HANEY: Is this the extent of their
11 proposal?

12 DR. ORMSBEE: Oh, no, no, no. That's
13 just a one-page synopsis. In that packet there, Don---

14 DR. HANEY: Oh, okay. I never did get
15 that.

16 DR. ORMSBEE: There's a three- or four-
17 page proposal.

18 DR. HANEY: One more question. Does
19 this fit in with what Hank Graddy and his bunch have been
20 doing all those years?

21 DR. ORMSBEE: It's complementary.
22 Actually, there were citizens in that watershed that were
23 sampling as part of the Watershed Watch Program who
24 identified problems. And, so, this group was put together to

1 try to mobilize the folks in that neighborhood to find out
2 what the problem was and try to isolate it.

3 DR. HANEY: Just very briefly, tell me,
4 how do you demonstrate ideal stream bank management practices
5 in a neighborhood?

6 DR. ORMSBEE: Well, I think the intent
7 there is they bring the citizens together and they physically
8 go into the stream and demonstrate some different strategies
9 that could be used to prevent erosion.

10 So, I think trying to make the citizens
11 conscious, those that have the stream running through their
12 yards, for example, things that they could do to help prevent
13 erosion such as maintaining perhaps a grass buffer between
14 the stream and their back yard as opposed to mowing all the
15 way down to the creek, things like that.

16 CHAIRMAN WARE: Whereas opposed to
17 concreting stream banks.

18 DR. ORMSBEE: Exactly.

19 DR. HANEY: You can't keep a stream
20 from eroding.

21 DR. ORMSBEE: No, but you can keep it
22 from accelerating erosion. That's exactly right.

23 DR. HANEY: The Corps of Engineers has
24 spent billions trying to do it.

1 MR. STICKNEY: Lindell, in your
2 ranking, is there a higher ranking involved if you're on the
3 main stem on these projects or not?

4 DR. ORMSBEE: No.

5 MR. STICKNEY: Anywhere in the basin?

6 DR. ORMSBEE: It's anywhere in the
7 basin. There's no discrimination on the specific locale
8 relative to a main stem or an off main stem.

9 And I think that's certainly reflective
10 of the intact stream that's used to support the program. It
11 comes from not just the main stem users but the entire
12 basins.

13 And one of the reasons that I believe
14 the Authority was interested in pursuing this was to be able
15 to demonstrate to all the stakeholders in the basin, and
16 particularly those who weren't on the main stem, that the
17 River Authority is giving them a return for their investment,
18 not just water supply but also trying to help them relative
19 to water quality.

20 And I think that has been very positive
21 relative to especially those projects that are not on the
22 main stem. It's great PR for the River Authority. Citizens
23 see the River Authority is actually working to help them in
24 their basins.

1 CHAIRMAN WARE: Tim, have you got a
2 question?

3 MR. HAZELETTE: And that may be the
4 question I had just for informational purposes, what the
5 latitude is of the Authority in terms of like the Red River
6 and the Dix River. How much latitude do we as a group have
7 to grant monies to those tributaries? And it may be a basin
8 issue. I don't know.

9 DR. ORMSBEE: No. You can do anything
10 you want to.

11 CHAIRMAN WARE: Within the watershed.

12 DR. ORMSBEE: Within the watershed.

13 MR. REEDER: Out of Tier I money, the
14 general account, that fee is derived from all the basin, all
15 7,400 square miles. So, anywhere within that, from the Red
16 River or any of these creeks or whatever.

17 DR. ORMSBEE: And we've tried to kind
18 of spread that out as best we can. Just by nature of a
19 higher concentration of people in the Bluegrass area, we tend
20 to get more projects proposed from that area; but,
21 nonetheless, we have funded projects in Letcher County and
22 we've funded some projects up north in Muddy Creek and then
23 everywhere in between basically.

24 MR. REEDER: We can be more visible in

1 the basin through the Tier I program for programs like this
2 than we can anything else.

3 And one of the reasons for emphasis
4 through the Watershed Management Program on those tributaries
5 and places other than the main stem of the river, quite
6 frankly, has been because ever since we had the lawsuit filed
7 by the City of Danville, which is not on the river,
8 challenging or questioning why they should basically have to
9 pay any fees at all, we've tried to give back or to make
10 ourselves visible in some way on the Forks and places other
11 than the main stem of the river itself.

12 And the type of activity that Lindell
13 is promoting on this particular issue with these grants,
14 really, I would prefer to see the grants in those areas than
15 I would on the main stem anyway because we're plenty visible
16 on the main stem.

17 And a lot of people get the idea, well,
18 we live up here in Knott County. What are we paying these
19 fees for? And the school is a good place to do it because
20 kids are everywhere. So, that's why we started it.

21 CHAIRMAN WARE: Let me throw this thing
22 out for you. I know some of the funding decisions in
23 addition to the Letcher County proposal, the Kentucky
24 Riverkeeper proposal wasn't proposed for funding.

1 To what extent do you all think that
2 we've made a commitment to Pat Banks and the Riverkeeper to
3 provide some support, even though this doesn't directly
4 reflect what she was asking us funding for, the DVD?

5 DR. ORMSBEE: Let me respond to that
6 first. We didn't put that on there, quite frankly, because
7 one of the reasons was Malissa was under the impression that
8 the River Authority was not thinking that necessarily was a
9 good idea to fund them.

10 So, I did not discriminate against the
11 actual proposal. It is a survey. I think some of the board
12 members in the past as well as I have a little bit of concern
13 relative to the nature of their organization and whether they
14 will use information perhaps in an activist role that may or
15 may not reflect the truth.

16 And, so, I think our understanding was
17 the board had a little bit of trepidation about that. So,
18 I've not been a part of those discussions. I'm just relaying
19 some of the concerns that Malissa had.

20 CHAIRMAN WARE: We had concerns of that
21 nature with respect to being associated with the DVD product
22 that they were trying to propose that we provide \$50,000 of
23 funding for, but we gave them the opportunity to come back
24 with a proposal that we could fairly consider.

1 DR. ORMSBEE: So, if you all want to
2 fund that, that's perfectly fine. We'll have to chop
3 something else out.

4 DR. HANEY: What have they done?

5 MR. REEDER: To this point?

6 DR. HANEY: Yes.

7 MR. REEDER: Nothing I know of.

8 CHAIRMAN WARE: It looks like most of
9 this money is to go to Pat.

10 DR. HANEY: It's my understanding that
11 the little boat that Bobby Kennedy tore the rail up on when
12 he was down here at Boonesborough hadn't been in the water.
13 How many years ago was that?

14 MR. REEDER: That's been six or seven
15 or eight years ago, and that boat, I understand, is in the
16 possession of Eastern Kentucky University and has never been
17 in the water.

18 MS. ELLISTON: I'm the one that had
19 some conversations with Malissa at the last Watershed
20 Steering Committee regarding this. We had talked about this
21 proposal that she had asked about. She and I were the ones
22 that had the conversations.

23 And if you will look at this proposal,
24 it's pretty much the same thing that she has asked for except

1 for the DVD. It's pretty much the same networking and the
2 same types of things that she asked for at the last meeting.

3 So, that was my understanding from you
4 all that you were not wanting to fund that project for the
5 full amount of \$50,000 but she did have the opportunity to
6 come back.

7 CHAIRMAN WARE: Did Pat provide you
8 with this proposal?

9 MS. ELLISTON: No. I received it from
10 Malissa; and when I received it and read over what she had
11 said to us and then along with what we had received before,
12 it was along the same line or the same thing. So, that's
13 when Malissa and I had talked about it. That was my feeling
14 from you all. So, maybe I overstepped my boundaries.

15 DR. HANEY: Didn't they do something
16 like this with the county judges a few years ago?

17 MR. CHRISTOPHER: They went to the
18 county judges and requested funding, I think, before they
19 came to us.

20 We kind of have a little saying in our
21 education realm. Of course, obviously when we look at
22 something, we want to say, well, what impact does it have on
23 kids. Of course, that's our focus.

24 So, if I could parallel that over, what

1 impact is this going to have -- and I think that's how we
2 have to look at each one of these -- on our water quality.
3 That is what our focus would be.

4 So, I think if we look at it in those
5 terms, it might answer a question or two.

6 DR. ORMSBEE: If you all decide to do
7 that, Malissa and I probably have a proposal. And, again,
8 this is all at your discretion. We would probably drop two
9 of the projects in Fayette County, specifically the
10 Montessori Middle School and Friends of Wolf Run to get the
11 \$3,000 because we've actually got four projects in Fayette
12 County which, again, we were trying to balance everything.
13 And if we do that, then, we would just take those two
14 projects away.

15 DR. HANEY: And why would you do that?

16 DR. ORMSBEE: Just part of those
17 four---

18 MR. CHRISTOPHER: To meet our \$15,000,
19 I guess. Is that what you're asking?

20 DR. HANEY: Are those projects you are
21 considering dropping less valuable than this or more
22 valuable?

23 DR. ORMSBEE: That's your all's
24 decision. I'm just saying if you all decide to do that, one

1 way to do that would be to drop the Wolf Run and Montessori,
2 and the reason for that is because the other two, both of
3 those had some funding in the past as well. So, that would
4 be the way I would have handled that.

5 MR. REEDER: This Watershed Management
6 Program, this contract you have every year which we've had
7 for the last ten years, is that right, Lindell?

8 DR. ORMSBEE: Right.

9 MR. REEDER: This verbiage is strangely
10 similar to what we've hired you all to do, is it not?

11 DR. ORMSBEE: Right.

12 MR. REEDER: I mean, just an
13 observation. There's not any specifics of how you're going
14 to marshal up these stakeholders and do all that. Of course,
15 you've already developed the methodology to do that.

16 MS. ELLISTON: If you read through her
17 proposal that she has given, it's pretty much the same thing
18 that she had proposed to you all before except that she's
19 asking for \$3,000 instead of fifty.

20 CHAIRMAN WARE: Minus the development
21 of the DVD.

22 MS. ELLISTON: I'm not trying to knock
23 the project by any means, but to me it looks pretty much like
24 the same thing.

1 CHAIRMAN WARE: Just out of curiosity,
2 Sue Ann, you might know, Lindell, you might remember, we did
3 have a Kentucky Riverkeeper application that we funded in '04
4 for the purchase of a living stream aquarium to use in
5 Madison County's watershed education trailer. Was that
6 useful, successful? Did it get done?

7 MS. ELLISTON: I'm almost positive that
8 got done.

9 DR. ORMSBEE: I'm pretty sure that got
10 done. It seems to me there's sort of an overlap between
11 Riverkeepers and ECU in some of the activities. So, we have
12 funded I know at least two, maybe three projects in the Muddy
13 Fork in Madison County. Then we actually funded, I think, a
14 project in Letcher County but had a connection with ECU as
15 well.

16 So, all of that kind of factors in sort
17 of subjectively when we're looking, for example, at that one
18 Letcher County project and this one as well, knowing that
19 they're kind of tied in to ECU, for example.

20 MS. ELLISTON: Was that the
21 enviroscape?

22 DR. ORMSBEE: I did not bring the '04.
23 I did bring the last two previous years of funding.

24 MS. ELLISTON: I know that in '03 and

1 '04, Letcher County had an enviroscape watershed model to use
2 in education outreach and funding for citizen monitoring
3 group. Is that what you're referring to, Bob?

4 CHAIRMAN WARE: No. I was thinking of
5 the one above it.

6 MR. CHRISTOPHER: The Kentucky
7 Riverkeeper, Muddy Creek of Kentucky River.

8 MR. DAY: Where is Muddy Creek?

9 DR. ORMSBEE: It's in Madison County.
10 Actually, part of the watershed is in the Bluegrass Army
11 Depot.

12 CHAIRMAN WARE: It was \$2,100, Sue Ann.

13 MS. ELLISTON: I don't know. That's
14 something I'm going to have to find out because that would be
15 something really nice to use.

16 DR. ORMSBEE: I would guess ECU has got
17 a hold of that.

18 DR. HANEY: Now, did they work on Muddy
19 Creek, this same group?

20 DR. ORMSBEE: ECU has worked on Muddy
21 Creek, and apparently they got a Riverkeeper boat. So, there
22 seems to be a very close relationship between the two.

23 MR. STICKNEY: Alice Jones and Tom
24 Edwards are both kind of the head of the Friends of Muddy

1 Creek group.

2 MR. REEDER: Who has got the
3 enviroscape? That's the question.

4 MS. ELLISTON: I can give Alice Jones a
5 call.

6 MR. DAY: I've never heard of that in
7 Letcher County, and I've lived there a few years. Of course,
8 that was before I became a part of this group.

9 MR. REEDER: You didn't see it on
10 display anywhere, the enviroscape?

11 MR. DAY: No, sir.

12 MR. REEDER: I'd say it's in Richmond
13 at Eastern someplace.

14 DR. ORMSBEE: If I had to guess, that's
15 where I would guess it is.

16 MS. ELLISTON: It seems like I have
17 seen that at some festivals or something. Bob, let me check
18 into that and I'll try to find out and see what it's being
19 used for and if it's being used and who has it and get back
20 with you on that.

21 CHAIRMAN WARE: I guess a broader, more
22 overall question that kind of relates to that is how through
23 the years have all these projects come to fruition as far as
24 accountability for the money.

1 At various times, we've had some folks
2 come to us and talk about their projects and there is some
3 overlap on applications this year. I've just noticed on most
4 of these projects, there's some relation to previous
5 applicants on most of them.

6 Are we confident that there's follow
7 thru on all of these and that we're getting the bang for the
8 buck?

9 DR. ORMSBEE: If I can answer that
10 question, I would say we do. We require them to file a half-
11 year report and a final report and that information is posted
12 on our website. So, we do have all that information.

13 CHAIRMAN WARE: So, you are comfortable
14 with all the previous applicants as far as fulfilling their
15 obligation?

16 DR. ORMSBEE: I am. And part of that
17 kind of relates to that second issue I want to bring up when
18 we get to that.

19 MR. MORGAN: I don't mean to sound too
20 critical because at the meeting we had with Pat before, I was
21 one of the vocal opponents for the funding at that time, but
22 I'm looking at this proposal and it is very ambiguous, and
23 I'm not seeing much of an end product.

24 And the funding, \$2,000 of this \$3,000

1 requested is for Pat. And then it talks about the ECU
2 students doing a lot of work and all like that, and I would
3 think that is part of their studies and all like that.

4 So, she is basically to me asking for
5 \$2,000 just to kind of baby-sit these students doing this
6 project, and I just think the money is better allocated in
7 some of these other projects.

8 DR. HANEY: She talks about funding
9 from private individuals and maybe groups but doesn't
10 identify any of them.

11 MR. CHRISTOPHER: She's got her ten
12 days at \$200 per day specifically for \$2,000 out of the three
13 as director's salary.

14 CHAIRMAN WARE: But then she's also got
15 some administrative costs for the Riverkeeper.

16 MR. MORGAN: Three hundred dollars for
17 administrative costs.

18 MR. REEDER: It seems like that since
19 we started this program or Lindell started this part of the
20 program, which hasn't always been part of the program but the
21 last four or five years, it seems like -- and I don't want
22 the rest of the board members to think that we're here to
23 observe all of it -- it seems like the most enthusiastic
24 participation for these things is through these schools.

1 These high schools and middle schools
2 and so forth, each of those people are going to go home and
3 tell their parents about it and it's going to multiply that
4 way. It just seems like you know where it went with the
5 schools and it was always part of a class project or an
6 extracurricular project. The people who wanted to come and
7 share their experience with us were all from these schools.

8 So, just observing anything that goes
9 through a school system appears to me to be pretty well spent
10 for the purpose that we're trying to spend it on.

11 DR. HANEY: I don't think you're going
12 to have to pay one of those teachers who are very much
13 interested in a project like this \$200 a day either.

14 MR. MORGAN: And Randall obviously has
15 great insight in this area, but there's a lot of funding
16 being cut for field trips and extracurricular activities and
17 things like that, and this is an opportunity for us to share
18 some money in order for kids to have things outside the
19 mainstream school curriculum to do.

20 CHAIRMAN WARE: I think your
21 characterization of ambiguous was a good characterization of
22 that proposal, Rex. So, I wouldn't disagree with that.

23 MR. CHRISTOPHER: If I had an
24 inclination, I would rather go back and look at the Letcher

1 County High School application.

2 CHAIRMAN WARE: I agree with you,
3 Randall.

4 MR. CHRISTOPHER: We're still \$6,000
5 short, but there's three before that I would feel very
6 confident at looking at even prior to that \$3,000 just simply
7 because it's Letcher County High School and they have
8 something going and have been doing so good and have been
9 reporting back as requested, and I'd rather be there.

10 MR. DAY: That would be half of that
11 Letcher County one. I know that lady very well. She is very
12 intelligent and she does a good job. She was nominated for
13 some kind of a Teacher of the Year thing, and I do know that
14 she is involved with those kids down along the river because
15 I'm pretty nosy when it comes to seeing what is in and around
16 those rocks in the river.

17 DR. HANEY: Anytime you can get kids
18 like that involved, some of them are going to get something
19 worthwhile out of it.

20 MR. MORGAN: Is it possible we could
21 just take \$1,000 from six and eight and put it up on four,
22 the Letcher County?

23 CHAIRMAN WARE: I was wondering about
24 that. I like the Breathitt County thing because that's kind

1 of an area that we haven't been involved in and it's getting
2 them involved, but what is it going to do to six and eight?

3 DR. ORMSBEE: Well, the other
4 possibility would be to just drop Friends of Wolf Run. They
5 have had some funding in the past. That would give us \$2,000
6 and that's a Fayette County project. Again, if we're going
7 to cut, I would prefer cutting Fayette County projects.

8 CHAIRMAN WARE: When is the last time
9 we did something for Mr. Cooke and his group?

10 MR. CHRISTOPHER: We have to remember,
11 though, Letcher County has been serviced, too. I think you
12 had a very valid point there.

13 MS. ELLISTON: Last time they were
14 funded was in '05 and '06.

15 MR. MORGAN: But with the Letcher
16 County thing, again, the focus is back on kids and schools.

17 DR. ORMSBEE: Exactly.

18 MR. CHRISTOPHER: I'm really open
19 either way. I'm not for sure Rex's idea is not okay.

20 DR. ORMSBEE: I guess I would prefer
21 cutting two Fayette County projects, Six and eight, this is
22 the first time they've ever come.

23 So, I guess my preference would be to
24 maintain them at full funding to get going, and then I would

1 probably cut Friends of Wolf Run \$2,000, and then we might
2 then cut McConnell's Trace to \$1,000.

3 DR. HANEY: Is McConnell's Trace
4 related to McConnell's Springs?

5 DR. ORMSBEE: Yes. It's a path they're
6 trying to make, and then just encourage them to come back
7 next year possibly.

8 DR. HANEY: Why don't you go over that
9 again now.

10 DR. ORMSBEE: I would suggest dropping
11 the \$2,000 from Wolf Run, dropping \$1,000 from Project 3.

12 DR. HANEY: So, you're going to fund
13 them at \$1,000.

14 DR. ORMSBEE: One thousand and then
15 fund four at \$3,000.

16 CHAIRMAN WARE: Could we fund four at
17 \$2,000 and not---

18 DR. ORMSBEE: You could do that, too.

19 MR. CHRISTOPHER: Let's do that.

20 DR. ORMSBEE: Okay. We'll do that and
21 then fund either Wolf Run or McConnell's Trace \$2,000 or we
22 could give them both \$1,000.

23 MR. MORGAN: I'm sorry. You want to
24 cut one completely or just down to \$1,000?

1 DR. ORMSBEE: That's up to you all.
2 That's the discussion right now.

3 CHAIRMAN WARE: Friends of Wolf Run,
4 the way it's packaged, they could do one demo project. And
5 since we're assuming that maybe the Montessori Middle
6 School's project is kind of equivalent to an approximate
7 similar project---

8 DR. ORMSBEE: Why don't we give them
9 \$1,000 and then McConnell's Trace \$1,000.

10 MR. CHRISTOPHER: I agree. So,
11 Projects 1, 2 and 3 will be \$1,000 opportunities.

12 DR. ORMSBEE: And then Letcher County
13 is \$2,000.

14 DR. HANEY: And then the rest as
15 presented.

16 DR. ORMSBEE: I think that's a great
17 solution.

18 MR. CHRISTOPHER: So, it will be \$1,000
19 for Friends of Wolf Run, \$1,000 for the Montessori School,
20 \$1,000 for McConnell's Trace, \$2,000 for Letcher County,
21 \$2,000 for Dix River, \$3,000 for the International Training
22 and Development Center and Breathitt County, and then \$2,000
23 for Providence.

24 DR. HANEY: On that McConnell Springs,

1 new applicant working on public education for greenway
2 preservation in Lexington. Is that at McConnell's Springs?

3 DR. ORMSBEE: They're actually making a
4 path, a pedestrian walkway and bike path for McConnell's
5 Springs. It's eventually supposed to go all the way out to
6 the Horse Park. And that has been broken up into different
7 sections.

8 CHAIRMAN WARE: Unless there's any need
9 for further discussion of this, does somebody want to make a
10 motion with regard to--Randall, you did an enumeration. Do
11 you just want to make a motion that we propose funding of
12 those eight projects as described?

13 MR. CHRISTOPHER: I'll make that
14 motion.

15 MR. MORGAN: I'll second it.

16 MR. DAY: I have a question. If I add
17 those up right, I get \$16,000 and I thought we only had
18 \$15,000. I must have overlooked one. One, one, one, two,
19 two, three, zero, three, three.

20 MR. MORGAN: Two. The last one was
21 two.

22 MR. DAY: I'm sorry. Thank you.

23 CHAIRMAN WARE: Any other discussion,
24 questions? If not, I'll call for a vote. All those in

1 favor, let it be known by saying aye. All opposed by a like
2 sign. We will take that motion to the full board at the next
3 meeting.

4 There should be another item. There's
5 a letter, an email from Dr. Ormsbee concerning a request for
6 some modification and direction of our annual funding
7 agreement. Lindell, I'll let you discuss that with us.

8 DR. ORMSBEE: Basically, I'm in a
9 capacity to fund a project of about \$24,000. We're going to
10 get the funds from the U.S. Geological Survey. And what
11 we're proposing to do is to use those funds. Malissa will be
12 involved in part of that. We will get some student help.

13 Since we've collected data through our
14 volunteer network ten years, what we thought might be useful
15 to do is go back and pull all that data together and do some
16 analysis and statistics, do some general assessment, probably
17 do some interviews with people who have been involved with
18 it, not only assess the data but also the program and then
19 develop a report that we would then bring back to give you
20 all that would give you something to kind of quantify the
21 things that have been going on there.

22 And then the Kentucky River Watershed
23 Watch could use that with any funding agencies that they may
24 want to work with as a document that shows that they've got

1 an independent agency that has kind of done an assessment and
2 an audit, so to speak, of their program.

3 So, we thought that might be a good
4 product that we could provide you. We could also probably in
5 that go back and summarize all the projects that we've
6 funded, too.

7 And, so, anyway, I've located where I
8 can get about \$24,000 to do that. The only caveat is we have
9 to provide UK a two-to-one match for those funds. It's a
10 federal program that requires a two-to-one match. So, I have
11 to come up with \$48,000 to match that.

12 And, so, since you all spend \$20,000 a
13 year on volunteer sampling that pays for the analysis, not
14 the volunteers are being paid, what I was wanting to ask is
15 if you might be able to authorize us to count those funds as
16 part of a match to this other program.

17 So, it's not asking you for any money.
18 It's just authorization to say that we authorize the use of
19 the funds here as part of your match.

20 And then we will take those funds. All
21 they're used for is to do the actual chemical analysis. And,
22 so, the information that comes from that will be used in the
23 report as well. So, there's a direct relationship between
24 the match and the end product.

1 So, if we can do that, then, I think I
2 can leverage \$24,000.

3 DR. HANEY: We ought to send you to
4 Congress.

5 DR. ORMSBEE: The only caveat, the
6 Water Institute was created in 1964 by an act of Congress.
7 There are 54 Institutes in the nation. There's one in each
8 state. They're at the Land Grant Institutions, but each
9 Institute has a statewide mission. So, for example, we work
10 with all the universities in Kentucky.

11 When the national network was formed,
12 each Institute -- this is '64 now -- got \$100,000 to work
13 with. Our budget this year was \$94,000, okay. This is 2008.
14 Do the math.

15 Not only that, there is this two-to-one
16 requirement that's been added over the course of time. So,
17 what we use those funds for mainly is to fund projects at
18 various universities. Initially, we used to fund projects
19 where faculty would put forth a proposal of typically \$15,000
20 to \$20,000. We might fund four to five projects a year.

21 Over the years, we found that that
22 wasn't really a very efficient program from several
23 perspectives. One, sometimes faculty are not the best at
24 providing deliverable, as Don I'm sure can attest.

1 Another problem was that amount of
2 money to get that two-to-one match, faculty at like U of L or
3 UK, their distribution of effort typically of about 40% is
4 kind of earmarked for research.

5 And, so, university basically pays
6 faculty about 40% of their salary to supposedly be doing
7 research. So, they can take those research dollars that are
8 being provided by the university and match some of their time
9 against those projects.

10 Faculty at like the regionals like
11 Morehead or Murray State or something, a lot of those faculty
12 are teaching. And, then, again, faculty at UK and U of L
13 typically teach two courses a semester. So, they have other
14 two that they are using for research.

15 Then the faculty at the regionals
16 typically teach three to four courses a semester. So, they
17 really don't have any flexibility to go out and get that
18 amount of match to do that.

19 So, what happened over time was a lot
20 of the proposals would basically just come from UK or
21 U of L.

22 As I became Director, I wanted to help
23 build research infrastructure across the state. So, what we
24 did is I developed what we call research enhancement grants

1 of \$5,000 that could be used to support a graduate student or
2 an undergraduate student to do a research project.

3 And, so, that might supplement money
4 that somebody had at one of the larger institutions where at
5 Murray State or something, they could get the \$5,000 to help
6 support a student, they could normally come up with a \$10,000
7 match as opposed to a forty.

8 So, we've done that the last several
9 years. It's been very successful. We've been able to
10 provide money all over the state. Although it has kind of
11 cut down a little bit of our total request, we typically now
12 fund probably six to ten proposals a year.

13 We have a little bit of residual. And,
14 so, this year, we probably have a residual of about \$24,000.

15 So, what I'm going to do is take those monies and try to
16 apply it to this project. I think that's a great
17 application. And, so, that's why I'm still stuck with the
18 match.

19 So, I can get \$28,000 of that on my
20 own. The Institute is going to be putting in some money,
21 too. But I thought since we're already spending \$20,000 a
22 year for the sampling analysis, it would be a really nice
23 direct link we could provide and use that to leverage
24 additional funds.

1 So, at this point, I just need a letter
2 authorizing that. It's not asking for any money or anything.
3 And I've structured it to give authorization for the current
4 contract which runs through June and then next year's
5 contract -- really, it's a contingency if you all decide to
6 fund next year's contract so that I can then use monies from
7 either one of those years to basically offset that.

8 So, I thought this looked like a
9 win/win for everybody and get some more money, pull all that
10 information we've been collecting without using your all's
11 funds to do that type of analysis and bring back a good
12 product for the River Authority.

13 MR. REEDER: You had a green light all
14 along pretty much to leverage these funds and have been doing
15 so in other areas.

16 DR. ORMSBEE: Right. Well, not
17 directly but we have used them sort of indirectly.

18 MR. REEDER: Right. Not formally.

19 DR. ORMSBEE: Not formally, yes. But
20 in this case, the USGS and UK -- you know how they are over
21 there, Don -- requires paperwork to authorize us to be
22 counted.

23 MR. MORGAN: This doesn't take a
24 motion, does it?

1 CHAIRMAN WARE: I don't think so, but
2 would you feel more comfortable in signing a letter like this
3 if this subcommittee gave approval.

4 MR. REEDER: Yes. Let the subcommittee
5 do it because we don't have time to wait for a full meeting.
6 Yeah, let's do that.

7 CHAIRMAN WARE: So, we'll just do a
8 motion to approve.

9 MR. REEDER: The draft letter is in
10 here.

11 MR. MORGAN: So moved.

12 MR. CHRISTOPHER: Second.

13 CHAIRMAN WARE: We've got a motion and
14 a second. All in favor, let it be known by saying aye. Any
15 opposition? Motion carries.

16 Lindell, do you have anything else that
17 you need to discuss with us?

18 DR. ORMSBEE: I don't think so. I
19 appreciate your all's time and help to sort through those
20 grants. I think we came up with a great solution.

21 CHAIRMAN WARE: Appreciate your effort
22 on this. If you can stick around for a little while and just
23 listen to this next issue being discussed, you could probably
24 provide some input on that, too.

1 DR. ORMSBEE: I'll be glad to.

2 MR. DAY: You get all this information
3 together. What happens to it? Do we have access to it or is
4 anything given to us?

5 DR. ORMSBEE: We develop an annual
6 report. It has all the data in it. There's an analysis for
7 that year's data, and those are posted on the website.

8 MR. CHRISTOPHER: Did you not make a
9 presentation one time?

10 DR. ORMSBEE: We did actually present
11 at one time. We've presented actually a couple of times.
12 Typically, the Watershed Watch has an annual conference, and
13 our illustrious Executive Director attends that every year
14 and we actually present our results there.

15 Typically, it takes about an hour. So,
16 we've normally not done that detailed presentation to the
17 board because you all obviously have a lot of other things
18 going on, but we can do whatever you all want to. We do have
19 that stuff posted on the website and you can get access to
20 it, but it's mainly by year.

21 So, what we like to do is do a trend
22 analysis to see if we have any trends and things like that,
23 and we can also, like I said, not only assess and analyze the
24 data but also the program itself and see if there are ways we

1 can improve on that.

2 MR. REEDER: Mr. Chairman, it might be
3 a good thing for us to do.

4 MR. CHRISTOPHER: I wondered that. I
5 agree because I was thinking--I've been asked a lot here
6 lately about the water quality of the main river stem itself.
7 Didn't we make a comment that the water quality was almost
8 sound enough to open back up the swimming issue or did I just
9 dream that up?

10 MR. STICKNEY: At Fort Boonesborough.

11 DR. ORMSBEE: I think there were
12 several years of decent data.

13 MR. REEDER: There's been some comments
14 made.

15 CHAIRMAN WARE: I don't think the
16 Division of Water ever technically issued a swimming advisory
17 for Boonesborough. That was a political animal that was---

18 DR. ORMSBEE: I heard it was used to
19 justify building a swimming pool.

20 MR. REEDER: That's 'right. The
21 political part of it was the fact that the State Parks
22 Department and---

23 CHAIRMAN WARE: I don't think our data
24 ever reflected that---

1 MR. CHRISTOPHER: I have been asked
2 that question a lot lately about, hey, can we swim in the
3 river now? What is the safety of that?

4 DR. ORMSBEE: I think the North Fork
5 still may be suspect, especially in Letcher County.

6 MR. REEDER: The political part of it
7 was that the State Parks system wanted an excuse to close the
8 beach because they wanted to build a swimming pool and they
9 didn't have lifeguards and personnel enough to keep both of
10 them up.

11 And, so, they basically ride on that.
12 Then it becomes, in turn, a target for every group, these
13 water people to say, hey, look how dirty the river really is.
14 Well, the State doesn't want it to be too clean.

15 MR. DAY: Where does the newspaper get
16 their information?

17 CHAIRMAN WARE: R.C., what you are
18 referring to is a press release that comes from the Division
19 of Water, DEP, and the Health Department, and that's bona
20 fide. Anything that they release at the first of the spring
21 before the swimming season starts, take that for granted.
22 That's bona fide information that you are supposed to follow
23 through on, as well as any fish consumption advisories that
24 come from the same source.

1 MR. CHRISTOPHER: Well, I was just
2 wondering. Like I'm assuming we could be drawing our own
3 conclusions from the data that we are receiving.

4 DR. ORMSBEE: And if any board member
5 wants information, just drop us an email and we'll be glad to
6 put something together for you.

7 DR. HANEY: I have a question about the
8 grants we just approved. Will we get a final report of each
9 one of these that goes into our files?

10 DR. ORMSBEE: We can take care of that,
11 yes. Right now they're posted on the website but we can make
12 you a hard copy and deliver it to you.

13 DR. HANEY: Well, some kind of report
14 that is legitimate is what I'm thinking about.

15 DR. ORMSBEE: That's no problem.

16 CHAIRMAN WARE: This assessment, you're
17 going to do a compilation of the previous grants.

18 DR. ORMSBEE: Yes.

19 CHAIRMAN WARE: So, that should be
20 contained within this assessment.

21 MR. CHRISTOPHER: I think that's
22 something that we will maybe put on our full board agenda in
23 the future. We will have Lindell come back, and once he gets
24 that ten-year information and the trends set, let's see where

1 we are.

2 CHAIRMAN WARE: If you want to, though,
3 Don, in the past, we've had specific applicants, whether it's
4 a school group or whatever, come and give us a presentation.

5 I think that's bona fide.

6 DR. HANEY: Well, that's good, too, but
7 I think you need a paper trail.

8 MR. REEDER: Mr. Chairman, I understand
9 Valerie won't be able to make it today.

10 CHAIRMAN WARE: I'll tell you what,
11 Steve. Let me just open it up to you. You and I have
12 discussed implications of the Harriman/TVA breach and how it
13 might compare to what went on in Martin County several years
14 ago in Kentucky and maybe what sort of issues we might have
15 in the basin that we need to be aware of with respect to
16 probably several categories of threats, whether it be flash
17 ponds at these public utilities or coal slurry ponds at coal
18 wash facilities. But go ahead and describe what your
19 concerns have been, Steve.

20 MR. REEDER: My concerns are these.
21 Like Bob said, back about six or eight years ago, we had that
22 problem in Martin County on the Big Sandy River at Tug Fork
23 down there.

24 Of course, that's outside of our

1 jurisdiction, but it raised concerns by some board members,
2 and the press in general was really hot on that one. It
3 surprises me that they have not really, even though that was
4 in Tennessee, it's not that far away -- it surprises me they
5 haven't been making calls about it around here. And they may
6 well have to some other agencies.

7 But my thought is it's not within our
8 immediate jurisdiction but anything within this 7,400-square-
9 mile area that we have, my thought is, I was telling Bob
10 yesterday and I followed that up with an email that's in your
11 packet to Valerie Hudson, who is the Natural Resources
12 Cabinet representative on the Board, and she was going to be
13 here today but she couldn't make it for some reason.

14 So, what I've got her working on is I
15 want to identify where all these places are in this basin.
16 They all have to have permits, I'm sure, through either the
17 Division of Water or the Department of Surface Mining, one of
18 the two, or the old Department of Mines and Minerals, which
19 that's all been incorporated now under Valerie's department.

20 That was done under Fletcher. He took the Mines and
21 Minerals Department and Surface Mining and put all that over
22 there, which it wasn't over there before.

23 So, it's all relatively compacted now
24 except you've got the Division of Water and you've got the

1 Mining Department over there. So, somebody had to issue a
2 permit on all these facilities, one of those two entities,
3 whether it's a flash pond or a slurry pond, whatever kind of
4 facility it is.

5 I want to identify on a map and have
6 them produce a map, which Valerie says they can do, showing
7 where all these things are within our jurisdiction, and then
8 look at---

9 CHAIRMAN WARE: They can probably
10 indicate how much design life is left on those things, too.

11 MR. REEDER: What the design life is,
12 after they are permitted, what kind of monitoring do these
13 things get, what kind of policing do these things get after
14 they are up there. Do they check them?

15 DR. HANEY: Who monitors them?

16 MR. REEDER: Yes, that's right and we
17 don't know that. We can have a voice in that; and if we've
18 got one of them that's about to fall in, if we were to get
19 some information -- I say we don't have jurisdiction -- we
20 can always go to court and get an injunction against somebody
21 to fix it. I mean, we ought to be proactive on this if
22 somebody else is not.

23 MR. DAY: Do that before at least it
24 ruptures.

1 MR. REEDER: Yes, because there's a lot
2 of people that would be affected by this. And some of these
3 smaller towns up the river that are in the Forks would be put
4 out of business by this stuff real quick.

5 DR. HANEY: After the Pond Creek, was
6 that the name of the--what was the name of the creek back
7 there twenty or so years ago?

8 MR. DAY: You're over in McDowell, West
9 Virginia.

10 DR. ORMSBEE: You're in West Virginia.

11 DR. HANEY: Well, the reason I brought
12 it up is the old Bureau of Mines right after that sponsored a
13 program and we participated in it and they inspected every
14 pond in the Eastern Kentucky coalfield and West Virginia. I
15 have no idea where those reports are.

16 DR. ORMSBEE: The Corps did those, too,
17 because I actually did them for two years back in the
18 seventies.

19 DR. HANEY: We did them with the
20 Bureau.

21 DR. ORMSBEE: I know the Corps had a
22 program after--that's just terrible. I can't remember the
23 name of that. I was just looking at it yesterday.

24 DR. HANEY: See, the Bureau doesn't

1 exist anymore. The Corps does.

2 CHAIRMAN WARE: You've got the Office
3 of Surface Mining.

4 DR. ORMSBEE: It was the one in West
5 Virginia that killed like a hundred people and several
6 thousand injured. Was it Pittman Mine? I can't remember.

7 Anyway, they came out with a two-phase
8 approach. All facilities had to be surveyed by the Corps of
9 Engineers and they came up with a hazard assessment if they
10 were high, moderate or low hazard.

11 And the hazard classification was
12 probably related to what was downstream of the dams. I think
13 it was everything above 25 feet, there was some criteria
14 because a lot of the slurry ponds got built below that
15 criteria.

16 But, nonetheless, they did this
17 national assessment and all those that were high hazard and
18 had some deficiencies -- and all this got contracted out to
19 consulting firms -- they would go in and basically would take
20 the facilities not up to criteria and then design
21 modifications to how to implement it and then those
22 facilities were supposed to---

23 DR. HANEY: Would that information be
24 beneficial to what Steve is talking about, you think?

1 DR. ORMSBEE: Absolutely. And I would
2 think--what would be the branch? At the Division of Water,
3 there was something related to dams.

4 MR. STICKNEY: Dams and Safety or
5 something?

6 CHAIRMAN WARE: They reorganized and
7 I'm not sure how that's---

8 DR. ORMSBEE: I don't know where that
9 is, if it's Water Resources Branch or what. Anyway, those
10 reports---

11 DR. HANEY: Did that take place before
12 the Office of Surface Mining was established?

13 CHAIRMAN WARE: I think so. The event
14 that you're talking about---

15 DR. ORMSBEE: Oh, the event did, yes.
16 The reports were done back in '79.

17 DR. HANEY: The one I'm talking about
18 was done in the late sixties or very early seventies.
19 Buffalo Creek.

20 DR. ORMSBEE: That's it. That's it.
21 That's exactly right. This is interesting.

22 I'll go ahead and raise this, one of
23 the concerns is there's no requirement for these facilities
24 or their owners to have a risk plan for the facility. If

1 something is starting to happen, how do they notify the
2 citizens.

3 I actually served on a governor's task
4 force for blackwater events a couple of years ago and we came
5 out with a report and a series of recommendations, and one of
6 those was to putting together sort of an emergency plan for
7 all these facilities that would identify exactly who was in
8 charge, what they had to do, how they notify the people and
9 so on.

10 And we had buy-in from both the
11 environmental groups and also the coal industry. Bill Caylor
12 was behind that. I think a couple of weeks ago or so in the
13 Herald Leader when that TVA facility came up, Bill was being
14 quoted that they were behind that and they were trying to get
15 some legislation passed to require that.

16 With all that said, talking about
17 money, I have managed to find about \$200,000 from FEMA that
18 I'm looking at trying to use the money to go and actually
19 look at this issue.

20 And one of the things we are looking at
21 is trying like you have already suggested is identify where
22 all these facilities are in the state, maybe then pull
23 together a task force with the environmental groups, the coal
24 industry and others to put together a work plan or something

1 for this type of an emergency response document and that
2 might be able to be correlated to some draft legislation for
3 the State Legislature or whatever.

4 So, I've got some funds---

5 DR. HANEY: You'd think it almost has
6 to exist somewhere already.

7 DR. ORMSBEE: What's that?

8 DR. HANEY: Plans.

9 DR. ORMSBEE: They don't have any plans
10 relative to hazard or evacuation or anything like that. That
11 was one of the things that came out of our task force.

12 CHAIRMAN WARE: There's a ranking that
13 exists out there as far as their hazard ranking.

14 DR. ORMSBEE: There is that, yes. Now,
15 that information is available. But if the thing starts
16 failing, there's nothing laid out what the owner is supposed
17 to do to let the people in town know. There's no plan laid
18 out for first responders in the town, how to respond if
19 something like that is going to happen.

20 CHAIRMAN WARE: But there's rankings
21 that indicate if there's potential loss of life should there
22 be a failure.

23 DR. ORMSBEE: Right.

24 DR. HANEY: Where would that

1 information be, Bob?

2 CHAIRMAN WARE: Division of Water
3 should have that.

4 DR. ORMSBEE: Didn't Art Clay used to
5 run that?

6 CHAIRMAN WARE: Yes, but I don't think
7 Art is there anymore. I think all that fell under an
8 umbrella permitting group. You've got KPDES. There was a
9 Dam Safety Section that Leon Smothers ran for years.

10 Of course, Surface Mining is going to
11 have some responsibility. Is Carl Campbell back? I heard
12 that rumor several weeks ago that Carl took Susan Bush's
13 place.

14 You're going to have to get it from the
15 Surface Mining perspective and you're also going to have to
16 get it from the KPDES and whatever took the place of the Dam
17 Safety program, but I think those three programs should give
18 us basically what you're looking for, Steve.

19 MR. REEDER: Well, we need a
20 presentation along this line. My experience in a lot of this
21 stuff and listening to you talk scares me even more because
22 when you've got four or five different agencies fooling with
23 it, nobody takes responsibility.

24 MR. CHRISTOPHER: Nobody wants to take

1 charge of it.

2 DR. HANEY: I was thinking about that
3 with TVA. Does the State of Tennessee have regulatory
4 authority over TVA or is that a federal thing?

5 CHAIRMAN WARE: There would be certain
6 permits that the state would have authority over. And it
7 depends on the nature of the beast, too.

8 You think about this thing that
9 happened with TVA. I was telling Steve, I was thinking that
10 maybe the toxicological implications might be more severe
11 with a flash pond because you've got more of a concentration
12 of metals than you would just in a silt basin or a washing
13 facility.

14 However, with the Martin County thing,
15 we ran into some concerns over some of the coagulation aids
16 that they were using at the coal company at the time, too.

17 DR. ORMSBEE: But the slurry itself,
18 they did a detailed analysis on it and it was basically
19 just---

20 CHAIRMAN WARE: Right.

21 MR. STICKNEY: Lindell, this same or
22 similar topic is going on right now with the NRCS with some
23 of these flood control structures. There's over 200 of them
24 in the state, and the hazard mitigation is the big issue

1 going on with that right now, hazard assessment.

2 And for the last two years, they have
3 been reevaluating, the NRCS has, all these flood control
4 structures because what has happened is over the last thirty
5 years, development has gone on below these dams and hasn't
6 kept pace with the---

7 DR. ORMSBEE: The dams haven't kept
8 pace with what's happened downstream.

9 MR. STICKNEY: And, so, they are
10 reevaluating all of these structures. And what I was saying,
11 the reason I'm bringing that up, if you're going to get
12 somebody to do these other structures, you might want to talk
13 to NRCS and see how they've done this.

14 DR. ORMSBEE: That's a great idea.
15 Anyway, we're going to try to get some money to do that. I'm
16 still looking for a \$50,000 match.

17 MR. REEDER: Depending on what we find
18 out with respect to a presentation at the next meeting, if
19 there is room for state legislation that doesn't exist or
20 clarification thereof, then, we'll be on the edge of this
21 because nobody else may be doing.

22 DR. ORMSBEE: If I can get this put
23 together, I will certainly want to see if I can get somebody
24 from the River Authority to serve on the task force.

1 MS. ELLISTON: Pardon me. If you don't
2 mind to give your name and who you are with so we can have it
3 for the record.

4 MR. STICKNEY: I'm Jack Stickney with
5 the Kentucky Rural Water Association. I'm a source water
6 protection specialist. Also I'm a citizen of Estill County
7 and also a member of the Kentucky River Watershed.

8 CHAIRMAN WARE: So, we'll just be
9 looking for a response from DEP anyway and evaluating that as
10 to whether it's significantly extensive enough to meet what
11 our needs are going to be.

12 Any other business that any of the
13 subcommittee members want to bring up at this point?

14 If not, I will entertain a motion to
15 adjourn.

16 MR. DAY: You've got it.

17 DR. HANEY: Second.

18 CHAIRMAN WARE: The meeting is
19 adjourned.

20 (MEETING ADJOURNED)

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STATE OF KENTUCKY
COUNTY OF FRANKLIN

I, Terri H. Pelosi, a notary public, in and for the state and county aforesaid, do hereby certify that the foregoing pages are a true, correct and complete transcript of the proceeding taken down by me in the above-styled matter taken at the time and place set out in the caption hereof; that said proceeding was taken down by me in shorthand and afterwards transcribed by me; and that the appearances were as set out in the caption hereof.

Given under my hand as notary public aforesaid, this the 29th day of January, 2009.

Notary Public
State of Kentucky at Large

My commission expires February 10, 2009.